

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRELL HUNT,)
)
Plaintiff,) Case No. 1:06-cv-205
)
v.)
) Honorable Richard Alan Enslen
UNKNOWN EBERHARDT, *et al.*,)
)
Defendants.)
)

ORDER

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983.

On, May 9, 2006, the Court issued an Opinion and Judgment dismissing Plaintiff's action for failure to state a claim upon which relief may be granted. Plaintiff now brings a Motion for Reconsideration, which the Court construes as a motion for relief from judgment brought pursuant to FED. R. Civ. P. 60(b).

A Rule 60(b) motion may be granted only for certain specified reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence; (3) fraud, misrepresentation, or the like; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or (6) any other reason justifying relief from the operation of the judgment. When none of these first five enumerated examples of Rule 60(b) apply, relief may only be available when exceptional or extraordinary circumstances are present. *Cincinnati Ins. Co. v. Byers*, 151 F.3d 574, 578 (6th Cir. 1998).

In his Motion, Plaintiff essentially reasserts the claims set forth in his Complaint and argues that the Court was incorrect in concluding that he failed to state a claim. The Court thoroughly addressed the merits of Plaintiff's claims in its previous Opinion and finds no error in its decision. Plaintiff fails to demonstrate that he is entitled to relief for any of the reasons set forth in Rule 60(b), nor has he presented exceptional circumstances that would warrant relief in this case.

Therefore:

IT IS HEREBY ORDERED that Plaintiff's motion for reconsideration (Dkt. No.

6) is **DENIED**.

DATED in Kalamazoo, MI:
June 30, 2006

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE